

enclosed herein is a declaration signed by the inventors, which properly acknowledges the applications prior to Serial No. 08/539,001. Further applicants have listed four Japanese applications the priority date of which is being claimed.

Further the applications prior to Serial No. 08/539,001 are now listed in the specification, page 1.

The proper date of Japanese 2-121,133 is now stated in inventors' declaration.

Claim 6 is being amended to correct a misspelling.

The term "allyloxirane" is being replaced by aryloxirane in claims 4, 8, 12, 13, 16, 18, 20 in conformance with the specification, page 7, line 21.

The Examiner has rejected claims 1-3, 5-7, 9-11, 14, 15, 17, 19 because of Jolley, WO-90/12849. However the publication date of this reference is November 1, 1990, which is later than the four Japanese applications relied on for priority. Therefore it is submitted that this reference is inapplicable against applicants' claims and no further discussion is believed to be necessary.

The Examiner has also cited Japanese 62-292,895 to Kohashi and German 133,966.

The Examiner has also cited Japanese 62-292895 and has referred to the claim of this patent which recites a refrigerating machine oil comprising a polyvalent alcohol ester or mixture of a polyvalent alcohol ester and a mineral oil or a synthetic oil, to which mixture has been added a

glycidyl ester of a straight chain unsaturated fatty acid with a carbon number of 14-18 or a straight or a side-chain saturated fatty acid with a carbon number of 8-18. The fact that this reference was laid open on December 19, 1987, which is prior to applicants' priority dates, is not disputed. However it is submitted that this reference is inapplicable against the claims of this application. As stated hereinabove, all the independent claims of this application cover the use of pentaerythritol with both 2-ethylhexanoic acid and 3,5,5-trimethylhexanoic acid. On the contrary, in this reference, as shown in the Table, pentaerythritol is esterified with 2-ethylhexanoic acid and lauric acid, Trimethyl hexanoic and has a total number of 9 carbon atoms. On the contrary, lauric acid has 12 carbon atoms and is straight chain. According to the reference, even capric, caprylic, adipic acid could be used.

Schmidt, German 133,966 has been cited on the ground that it teaches the addition of oil soluble epoxide compounds. However this reference does not teach the first feature of the present invention, which is a refrigerator oil consisting of a tetraester of pentaerythritol with both 2-ethylhexanoic acid and 3,5,5-trimethyl hexanoic acid. This feature is recited in all the independent claims, that is claims 1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22. The German reference does not even mention the basic structure of the refrigerator oil.

Combination of this reference with the primary reference, Jolley, is believed to be improper.

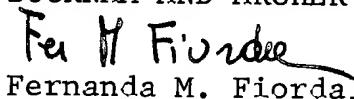
Still another difference between the German reference and the present invention is that the refrigerant in the former is difluorodichloromethane. Applicants' invention on the contrary is limited to chlorine-free hydrocarbons (see page 4, lines 20-21).

Hagihara, USP 5,202,044 is inapplicable against applicants' claims. This reference can only be cited because of its filing date in the United States which was September 10, 1991. This date is later than applicants' priority dates.

The Examiner's attention is respectfully directed to the experiment reported in the specification, pages 13-21 and particularly the data in Table 1. The refrigerator oils of Examples 1-2 according to the present invention having the specified composition are superior in miscibility with HFC-134a, insulating property, wear resistance, hygroscopicity, thermal and chemical stability and pour point. Reconsideration and allowance of all claims are most strongly urged.

Respectfully submitted,

BUCKNAM AND ARCHER


Fernanda M. Fiordalisi

FMF:bl

Date: 4/8/99

600 Old Country Road
Garden City, N.Y. 11530
(516) 222-8885